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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/739,706	12/20/2000	Paul M. Brennan	91436-311	3271

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SMART AND BIGGAR
438 UNIVERSITY AVENUE
SUITE 1500 BOX 111
TORONTO, ON M5G2K8
CANADA

EXAMINER

ELAHEE, MD S

ART UNIT

PAPER NUMBER

2697

DATE MAILED: 08/22/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

AD

Office Action Summary

Application No.

09/739,706

Applicant(s)

BRENNAN, PAUL M.

Examiner

Md S Elahee

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[Handwritten mark]

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 02. 6) ☐ Other: ____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 12, 13 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Brennan et al. (U.S. Patent No. 5,329,578).

Regarding claim 1, Brennan teaches maintaining a Special Callers List of incoming call for the subscriber (abstract; col.1, lines 45-49, col.2, lines 18-22, col.3, lines 62-67, col.4, lines 1-4; ‘subscriber’ reads on the claim ‘recipient’ and ‘Special Callers List of incoming call’ reads on the claim ‘log of past incoming communications’).

Brennan further teaches that upon receipt of the incoming call, examining the Special Callers List and based on previous communications from the caller, assessing the urgency (col.2, lines 18-22, col.3, lines 62-67, col.4, lines 1-4, col.11, lines 24-46; ‘incoming call’ reads on the claim ‘incoming communication’, ‘Special Callers List’ reads on the claim ‘log’ and ‘caller’ reads on the claim ‘originator’).

Regarding claim 2, Brennan teaches the incoming call comprises one of a telephone service (abstract; col.9, lines 3-12; ‘incoming call’ reads on the claim ‘incoming communication’ and ‘telephone service’ reads on the claim ‘facsimile transmission, an e-mail, a multi-media communication, an attempted telephone call, and a voice mail message’).

Regarding claim 12, Brennan teaches a processor (fig.1b; col.4, lines 36-40).

Brennan further teaches that computer readable memory in communication with the processor and storing application software adapting the processor, upon receipt of an incoming communication from a caller to a subscriber (fig.1b; col.2, lines 18-22, col.3, lines 62-67, col.4, lines 1-4; 'caller' reads on the claim 'originator' and 'subscriber' reads on the claim 'user').

Brennan further teaches examining a Special Callers List reflecting past incoming communications for said user to assess an urgency of the incoming call, based on past communications from the caller (col.2, lines 18-22, col.3, lines 62-67, col.4, lines 1-4, col.11, lines 24-46; 'Special Callers List' reads on the claim 'log', 'incoming call' reads on the claim 'incoming communication' and 'caller' reads on the claim 'originator').

Regarding claim 13, Brennan teaches that the Special Callers List stores a time of each of the incoming calls (abstract; col.1, lines 61-65, col.2, lines 18-22; 'Special Callers List' reads on the claim 'log' and 'incoming calls' reads on the claim 'past communications').

Regarding claim 15, Brennan teaches that computer readable medium, storing processor executable instructions, that when loaded at a computing device having access to a Special Callers List of past incoming calls for a subscriber, adapt the computing device to examine the Special Callers List to assess an urgency of a current incoming communication from a caller to the subscriber, based on past incoming communications from the caller (fig.1b; col.2, lines 18-22, col.3, lines 62-67, col.4, lines 1-4, 36-40, col.11, lines 24-46; 'Special Callers List' reads on the claim 'log', 'incoming calls' reads

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on the claim 'incoming communications', 'subscriber' reads on the claim 'user' and 'caller' reads on the claim 'originator').

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brennan et al. (U.S. Patent No. 5,329,578) and in view of Smith et al. (U.S. Patent No. 6,141,412).

Regarding claim 3, Brennan fails to teach "said examining comprises determining an interval since a last communication from said originator". Smith teaches the examining comprises determining a time period of reaching the called party (col.4, lines 4-9; 'time period of reaching the called party' reads on the claim 'interval since a last communication from the originator'). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Brennan to have examination comprising determining an interval since a last communication from the originator as taught by Smith. The motivation for the modification is to have doing so in order to determine the urgency of the call.

Regarding claim 4, Brennan fails to teach "said examining comprises assessing a duration since any of said originator's communications have been answered or returned".

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Smith teaches that the examining comprises assessing a time period since any of the contacting parties communications have been answered or returned (col.4, lines 4-9; 'time period' reads on the claim 'duration' and 'contacting parties' reads on the claim 'originator's'). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Brennan to have examination comprising assessing a duration since any of said originator's communications have been answered or returned as taught by Smith. The motivation for the modification is to have doing so in order to determine the urgency of the call.

5. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brennan et al. (U.S. Patent No. 5,329,578) and in view of Schweitzer (U.S. Pub. No. 2002/0176545).

Regarding claim 5, Brennan fails to teach "calculating a numerical indicator of urgency including a number of received prior incoming communications from said originator in a time interval prior to receipt of said incoming communication". Schweitzer teaches a message for the emergency alert indicator including a number of received prior incoming communications from the originator in a time interval prior to receipt of the incoming communication (page 3, paragraph 0063; 'message for the emergency alert indicator' reads on the claim 'calculating a numerical indicator of urgency'). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Brennan to calculate a numerical indicator of urgency including a number of received prior incoming communications from the originator in a time interval prior to receipt of the incoming communication as taught by Schweitzer.

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The motivation for the modification is to have doing so in order to determine the level of urgency of the communication.

Regarding claim 6, Brennan fails to teach “in response to calculating an indicator having a value above a threshold, identifying said incoming communication as urgent to said recipient”. Schweitzer teaches a message for the emergency alert indicator identifying the incoming communication as urgent to the subscriber (page 3, paragraph 0063; ‘message for the emergency alert indicator’ reads on the claim ‘in response to calculating an indicator having a value above a threshold’ and ‘subscriber’ reads on the claim ‘recipient’). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Brennan to allow a response to calculate an indicator having a value above a threshold, identifying said incoming communication as urgent to said recipient as taught by Schweitzer. The motivation for the modification is to have doing so in order to determine the level of urgency of the communication.

6. Claims 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brennan et al. (U.S. Patent No. 5,329,578) and in view of Schweitzer (U.S. Pub. No. 2002/0176545) and further in view of Arledge et al. (U.S. Patent No. 5,561,703).

Regarding claim 7, Brennan in view of Schweitzer fails to teach “said incoming communication comprises an electronic mail message and said identifying comprises modifying said electronic mail message to identify it as urgent”. Arledge teaches the incoming communication comprising an electronic mail message and the identifying comprising modifying the electronic mail message to identify it as urgent (col.4, lines 7-25, col.6, lines 39-54). Thus, it would have been obvious to one of ordinary skill in the art

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at the time the invention was made to modify Brennan in view of Schweitzer to have examination comprising determining an interval since a last communication from the originator as taught by Arledge. The motivation for the modification is to have doing so in order to indicate the urgency of the communication.

Regarding claim 8, Brennan in view of Schweitzer fails to teach "said identifying comprises notifying a device associated with said recipient of said incoming communication". Arledge teaches the identifying comprising notifying a device associated with the user of the incoming communication (col.4, lines 7-25, col.6, lines 39-54; 'user' reads on the claim 'recipient'). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Brennan in view of Schweitzer to have the identifying comprising notifying a device associated with the recipient of the incoming communication as taught by Arledge. The motivation for the modification is to have doing so in order to indicate the urgency of the communication.

Regarding claim 9, Brennan in view of Schweitzer fails to teach "said maintaining comprises recording a type of each of said past incoming communications". Arledge teaches the maintaining comprising recording a type of each of the past incoming communications (abstract; col.3, lines 63-67, col.4, lines 7-25, col.6, lines 55-65). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Brennan in view of Schweitzer to have the maintaining comprising recording a type of each of the past incoming communications as taught by Arledge. The motivation for the modification is to have doing so in order to indicate the urgency of the communication.

Regarding claim 10, Brennan teaches that the Special Callers List stores a time of each of the incoming calls (abstract; col.1, lines 61-65, col.2, lines 18-22; 'Special Callers List' reads on the claim 'log' and 'incoming calls' reads on the claim 'past communications').

7. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brennan et al. (U.S. Patent No. 5,329,578) and in view of Schweitzer (U.S. Pub. No. 2002/0176545) and further in view of Arledge et al. (U.S. Patent No. 5,561,703) and further in view of Miller, Jr. (U.S. Patent No. 6,442,249).

Regarding claim 11, Brennan in view of Schweitzer further in view of Arledge fails to teach "maintaining records of outgoing communications by said user". Miller teaches maintaining records of outgoing communications by said user (col.7, lines 15-27). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Brennan in view of Schweitzer further in view of Arledge to maintain records of outgoing communications by said user as taught by Miller. The motivation for the modification is to have doing so in order to have the urgent reply.

8. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brennan et al. (U.S. Patent No. 5,329,578) and in view of Arledge et al. (U.S. Patent No. 5,561,703).

Regarding claim 14, Brennan fails to teach "stores an indicator of a communications type for each of said past communications". Arledge teaches storing an indicator of a communications type for each of the past communications (abstract; col.3,

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lines 63-67, col.4, lines 7-25, col.6, lines 55-65). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Brennan to have the maintaining comprising recording a type of each of the past incoming communications as taught by Arledge. The motivation for the modification is to have doing so in order to indicate the urgency of the communication.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alam Elahee whose telephone number is (703) 305-4822. The examiner can normally be reached on Mon to Fri from 9:00am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Hofsass can be reached on (703)305-4717. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.

M.E.

MD SHAFIUL ALAM ELAHEE

August 15, 2003

FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

